

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re: NEXIUM (ESOMEPRAZOLE) ANTITRUST LITIGATION	MDL No. 2409
This Document Relates To:	Civil Action No. 1:12-md-02409-WGY 3514366
All Direct Purchaser Actions	

PLAINTIFFS' NOTICE REGARDING DEPOSITION DESIGNATIONS

Plaintiffs¹ file this notice in connection with the deposition designations of AstraZeneca Rule 30(b)(6) witnesses Matthew Diggons, Gary Rowles, and Steven Rothwein.

Plaintiffs propose to have an attorney read the pertinent Rule 30(b)(6) notice topics to the jury before the jury hears the deposition testimony. Defendants object.

In the alternative, Plaintiffs propose to designate the deposition testimony of Matthew Diggons, Gary Rowles, and Steven Rothwein where each confirms that he is testifying as an AstraZeneca Rule 30(b)(6) witness with respect to specific topics, and introduce the 30(b)(6) Notice into evidence (trial exhibit EUL) so that the jury understands that the testimony is of AstraZeneca as a company. In particular, Plaintiffs propose to designate the following testimony relating to the 30(b)(6) notices: (1) Matthew Diggons Deposition Tr. 18:16-23, 24:4-8, 24:16-21, 25:14-18, 26:11-13, and 26:17-20 (copy attached as Exhibit 1 hereto); (2) Gary Rowles Deposition Tr. 16:4-16, 17:11-20, and 18:5 (copy attached as Exhibit 2 hereto); and (3) Steven Rothwein Deposition Tr. 13:21-25 and 14:2-16 (copy attached Exhibit 3 hereto).² Plaintiffs have

¹ Plaintiffs include the Direct Purchaser Class Plaintiffs, the End-Payor Class Plaintiffs, and Plaintiffs in the *Walgreen* (No. 13-cv-10337-WGY), *Giant Eagle* (No. 13-cv-11305-WGY), *Rite Aid* (No. 13-cv-12074-WGY), and *CVS* (14-cv-11788) actions.

² Plaintiffs attach as Exhibits 1, 2, and 3 the excerpts of the testimony listed here. The parties are separately submitting to the Court complete transcripts and deposition designations for Matthew Diggons, Gary Rowles, and Steven Rothwein.

attached the Rule 30(b)(6) notice (trial Exhibit EUL) as Exhibit 4 hereto (the same notice was used in all three depositions).

In addition, Plaintiffs and Defendants are submitting to the Court the deposition designations of Matthew Diggons, Gary Rowles, and Steven Rothwein. Plaintiffs' designations are in pink and Defendants' designations are in blue.

Finally, the parties note that Defendants' counter and completeness designations both appear in light blue. To the extent necessary, Plaintiffs' specify the basis on which their objection rests (*i.e.*, objection as improper counter or objection as improper completeness designation).

Dated: October 21, 2014

/s/ Thomas M. Sobol

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CERTIFICATE OF SERVICE

I, Thomas M. Sobol, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: October 21, 2014

/s/ Thomas M. Sobol
Thomas M. Sobol